

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

KIMBERLY C. FAULKNER,

Plaintiff,

vs.

DETECTIVE JONATHAN BUSH, *et al.*,

Defendants.

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) **CIV. ACT. NO. 1:22-cv-480-TFM-C**
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MEMORANDUM OPINION AND ORDER

On April 21, 2023, the Magistrate Judge entered a report and recommendation which recommends this action be dismissed without prejudice for failure to timely serve Defendants pursuant to Fed. R. Civ. P. 4(m). *See* Doc. 4. No objections were filed and the time frame has passed.

The Complaint in this case was filed on December 1, 2022. *See* Doc. 1. Fed. R. Civ P. 4(m) states “[i]f a defendant is not served within 90 days after the complaint is filed, the court – on motion or on its own after notice to the plaintiff – must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But, if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”

Ninety days from the date the complaint was filed expired on March 1, 2023. On March 9, 2023, the Magistrate Judge entered an order directing Plaintiff to show cause why her claims should not be dismissed for failure to serve. *See* Doc. 3. No response was filed. The Magistrate Judge then entered a report and recommendation indicating the case should be dismissed for failure to respond and Plaintiff still did not respond or object. *See* Doc. 4. To date there is no indication

that Defendants have been properly served. Since the filing of his complaint on December 1, 2022, there has been no additional action by the Plaintiff.

Accordingly, after due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Report and Recommendation of the Magistrate Judge is **ADOPTED** and this action is **DISMISSED without prejudice** for failure to serve pursuant to Fed. R. Civ. P. 4(m).

A separate judgment will be entered pursuant to Fed. R. Civ. P. 58.

DONE and **ORDERED** this 24th day of May, 2023.

/s/Terry F. Moorner
TERRY F. MOORER
UNITED STATES DISTRICT JUDGE